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c)(1). Accordingly

UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

UNITED STATES OF AMERICA,) Case No. 2:06-cr-00186-KJD-PAL
Plaintiff/Judgment Creditor,	
v.	ORDER
FREDERICK RIZZOLO,	
Defendant/Judgment Debtor,	
and	
PFS INVESTMENTS, INC., and its successors or assigns,	
Garnishee.	

This matter is before the Court on the Writ of Garnishment (ECF No. 566), the Answer of the Garnishee (ECF No. 570), and the United States' Notice of Non-Objection.

In response to the Writ of Garnishment, the Garnishee filed its Answer on April 14, 2017, stating that, as of April 12, 2017, it had in its possession or control, nonexempt property belonging to or due the debtor with an approximate cash value of \$202,295.26. Having been duly served, the 20-day time period for the Defendant/Judgment Debtor Frederick Rizzolo to request a hearing and file written objections under either 28 U.S.C. § 3202(d) or 28 U.S.C. § 3205(c)(5) has passed. Consequently, the United States is entitled to entry of an order "directing the garnishee as to the disposition" of the nonexempt property identified in the Garnishee's answer. *See* 28 U.S.C. § 3205(c)(7). Accordingly,

IT IS HEREBY ORDERED that the Garnishee shall pay over to the Clerk of Court the

entirety of the funds currently held in the IRA account identified in the Garnishee's Answer for 1 2 payment toward the outstanding restitution owed by Debtor as a result of the judgment in this 3 matter. The payment shall be made payable to CLERK, U.S. DISTRICT COURT and mailed 4 directly to: 5 CLERK, U.S. DISTRICT COURT 333 Las Vegas Boulevard South, Room 1334 6 Las Vegas, Nevada 89101 7 The payment shall clearly identify both the name of the Defendant/Judgment Debtor (Frederick 8 Rizzolo) and the case number (2:06-cr-00186-KJD-PAL) to permit for efficient processing. 9 **IT IS FURTHER ORDERED** that upon receipt of the payment, the Clerk of Court shall 10 credit the funds toward satisfaction of the judgment in the sequence identified in 18 U.S.C. § 11 3612(c), and distribute the funds, consistent with 18 U.S.C. § 3664(i), to the individual victim 12 (Kirk Henry). 13 IT IS FURTHER ORDERED that upon receipt of the payment, the United States shall 14 provide a written accounting to the Garnishee and Defendant/Judgment Debtor pursuant to 28 15 U.S.C. § 3205(c)(9). 16 Dated this <u>12th</u> day of <u>July</u> 17 18 19 Kent J. Dawson United States District Judge 20 21 22 23 24 25 26 27 28